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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cox *et al.*

Appl. No. 09/942,919

Filed: August 31, 2001

For: **Endoluminal Prostheses and
Therapies for Highly Variable
Body Lumens**

Confirmation No. 9761

Art Unit: 3738

Examiner: To Be Assigned

Atty. Docket: 1737.1460008/LEA/DTJ

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application

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does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- 1. This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).

- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
 - a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- 4. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- 5. A concise explanation of the relevance of the non-English language document(s) appears below:
- 6. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/121,226, filed July 22, 1998, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Dustin T. Johnson
Attorney for Applicant
Registration No. 47,684

Date: November 19, 2001

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AARON L. SCHWARTZ**

*LIMITED TO MATTERS
AND PROCEEDINGS BEFORE
FEDERAL COURTS & AGENCIES
**REGISTERED PATENT AGENT
***SENIOR COUNSEL

WRITER'S DIRECT NUMBER:
(202) 371-2538

INTERNET ADDRESS:
DJOHNSON@SKGF.COM

Art Unit 3738

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Utility Patent Application
Appl. No. 09/942,919; Filed: August 31, 2001
For: **Endoluminal Prostheses and Therapies for Highly
Variable Body Lumens**
Inventors: COX *et al.*
Our Ref: 1737.1460008/LEA/DTJ

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Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement (*in duplicate*);
2. Form PTO-1449 citing eighty-five (85) references (AA1-AT1, AA2-AP2, AA3-AP3, AA4-AP4, AA5-AO5, and AA6-AC6); and;
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

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Commissioner for Patents
November 19, 2001
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Dustin T. Johnson
Agent for Applicants
Registration No. 47,684

LEA/DTJ/nar
Enclosures

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. P513 DIV1 (1737.1460008/LEA/DTJ)	APPLICATION NO. 09/942,919
		APPLICANT Cox et al.	
		FILING DATE August 31, 2001	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA1	3,945,052	03/1976	Liebig		100	26 NOV 2001
AB1	4,130,904	12/1978	Whalen		200	RECEIVED MAIL ROOM
AC1	4,503,569	03/1985	Dotter		300	
AD1	4,512,338	04/1985	Balko et al.		400	
AE1	4,550,447	11/1985	Seiler, Jr. et al.		500	
AF1	4,647,416	03/1987	Seiler, Jr. et al.		600	
AG1	4,718,907	01/1998	Karwoski et al.		700	
AH1	4,728,328	03/1998	Hughes et al.		800	
AI1	4,774,949	10/1988	Fogarty		900	
AJ1	4,820,298	04/1989	Leveen et al.		1000	
AK1	4,957,508	09/1990	Kaneko et al.		1100	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL1	0 357 003 A2	03/1990	EP			Yes
AM1	0 472 731 A1	03/1992	EP			No
AN1	0 506 918 B1	10/1992	EP			Yes
AO1	0 508 473 A2	10/1992	EP			No
AP1	0 551 179 A1	07/1993	EP			Yes
						No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	Chuter et al., "Anatomy of the Infrarenal Aortic Aneurysm," <i>Endoluminal Vascular Prostheses</i> , pp. 21-36; Little Brown and Company; Boston (1995).
AS	1	Donayre et al., "Patient Selection and Preoperative Assessment," <i>Endoluminal Vascular Prostheses</i> , pp. 255-283; Little Brown and Company; Boston (1995).
AT	1	World Medical Manufacturing Corporation Internet Web Page Information, downloaded August 4, 1997.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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		APPLICANT Cox et al.			
		FILING DATE August 31, 2001		GROUP 3738	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILED DATE
AA2	5,019,090	05/1991	Pinchuk			100 14 26 2001
AB2	5,035,706	07/1991	Giantureo et al.			RE-EXAM PAPER
AC2	5,064,435	11/1991	Porter			
AD2	5,078,726	01/1992	Kreamer			
AE2	5,122,154	06/1992	Rhodes	606	198	
AF2	5,123,917	06/1992	Lee			
AG2	5,151,105	09/1992	Kwan-Gett			
AH2	5,163,958	11/1992	Pinchuk			
AI2	5,211,658	05/1993	Clouse			
AJ2	5,219,355	06/1993	Parodi et al.			
AK2	5,226,913	07/1993	Pinchuk			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL2	0 646 365 A1	04/1995	EP			Yes No
AM2	0 684 022 A2	11/1995	EP			Yes No
AN2	0 421 729 B1	01/1996	EP			Yes No
AO2	0 689 805 A2	01/1996	EP			Yes No
AP2	0 722 702 A1	07/1996	EP			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	
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		FILING DATE August 31, 2001		GROUP 3738	

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	RECEIVED	FILING DATE
AA3	5,229,045	07/1993	Soldani		00	11/2001	08/31/2001
AB3	5,282,823	02/1994	Schwartz		20	12/2001	
AC3	5,282,824	02/1994	Giantureo		40	12/2001	
AD3	5,282,847	02/1994	Trescony et al.		40	12/2001	
AE3	5,316,023	05/1994	Palmaz et al.		40	12/2001	
AF3	5,330,500	07/1994	Song		40	12/2001	
AG3	5,366,504	11/1994	Andersen et al.		40	12/2001	
AH3	5,370,683	12/1994	Fontaine		40	12/2001	
AI3	5,387,621	02/1995	Soldani		40	12/2001	
AJ3	5,397,345	03/1995	Lazaura		40	12/2001	
AK3	5,405,377	04/1995	Cragg		40	12/2001	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL3	2 678 508	01/1993	FR			Yes No
AM3	1457921 A1	02/1989	RU			Yes No
AN3	WO 95/05132	02/1995	WIPO			Yes No
AO3	WO 95/08966	04/1995	WIPO			Yes No
AP3	WO 95/09586	04/1995	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	3	
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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
P513 DIV1 (1737.1460008/LEA/DTJ)APPLICATION NO.
09/942,919APPLICANT
Cox et al.FILING DATE
August 31, 2001GROUP
3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA4	5,425,765	06/1995	Tiefenbrun et al.			
	AB4	5,443,496	08/1995	Schwartz et al.			
	AC4	5,443,499	08/1995	Schmitt			
	AD4	5,456,713	10/1995	Chuter			
	AE4	5,476,506	12/1995	Lunn			
	AF4	5,507,767	04/1996	Maeda et al.			
	AG4	5,507,769	04/1996	Marin et al.			
	AH4	5,514,178	05/1996	Torchio			
	AI4	5,545,210	08/1996	Hess et al.			
	AJ4	5,545,220	08/1996	Andrews et al.			
	AK4	5,556,426	09/1996	Popadiuk et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4	WO 95/16406	06/1995	WIPO			Yes
	AM4	WO 95/18585	07/1995	WIPO			No
	AN4	WO 95/23563	09/1995	WIPO			Yes
	AO4	WO 95/26695	10/1995	WIPO			No
	AP4	WO 95/29646	11/1995	WIPO			Yes
							No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	4	
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		APPLICANT Cox et al.	
		FILING DATE August 31, 2001	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA5	5,562,724	10/1996	Vorwerk et al.		100	RE-OPENED
AB5	5,609,627	03/1997	Goicoechea et al.		104	
AC5	5,617,878	04/1997	Taheri		26	
AD5	5,632,763	05/1997	Glastra		26	
AE5	5,632,772	05/1997	Alcime et al.		26	
AF5	5,653,743	08/1997	Martin		26	
AG5	5,662,675	09/1997	Polanskyj-Stockert		26	
AH5	5,676,697	10/1997	McDonald		26	
AI5	5,733,325	03/1998	Robinson et al.		26	
AJ5	5,843,166	12/1998	Lentz		26	
AK5	5,851,232	12/1998	Lois		26	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL5	WO 95/34255	12/1995	WIPO			Yes No
AM5	WO 96/00103	01/1996	WIPO			Yes No
AN5	WO 96/03092 A1	02/1996	WIPO			Yes No
A05	WO 96/23455	08/1996	WIPO			Yes No
AP5						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	5	
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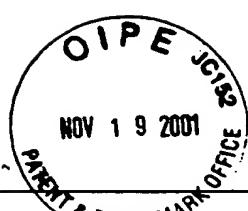
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA6	6,165,212	02/2000	Dereume			
AB6	6,168,619	01/2001	Dinh			
AC6	6,214,040	04/2001	Jayaraman			
AD6						
AE6						
AF6						
AG6						
AH6						
AI6						
AJ6						
AK6						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
AL6						Yes No
AM6						Yes No
AN6						Yes No
AO6						Yes No
AP6						Yes No

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